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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/623,223	07/17/2003	Atilla Grauzer	PA0863.ap.US	6337
Mark A. Litman & Associates, P.A. Suite 205 York Business Center 3209 West 76th St. Edina, MN 55435			EXAMINER HALL, ARTHUR O	
			ART UNIT	PAPER NUMBER
			3714	
			WAIL DATE	DELIVERY MODE
			09/24/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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•	Application No.	Applicant(s)				
	10/623,223	GRAUZER ET AL.				
Office Action Summary	Examiner	Art Unit				
	Arthur O. Hall	3714				
The MAILING DATE of this communication app Period for Reply	ears on the cover sheet with the c	orrespondence address				
A SHORTENED STATUTORY PERIOD FOR REPLY						
 WHICHEVER IS LONGER, FROM THE MAILING DA Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication. If NO period for reply is specified above, the maximum statutory period w Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b). 	36(a). In no event, however, may a reply be tin vill apply and will expire SIX (6) MONTHS from , cause the application to become ABANDONE	nely filed the mailing date of this communication. D (35 U.S.C. § 133).				
Status		•				
1)⊠ Responsive to communication(s) filed on 7/23/	2007.	•				
· <u> </u>	•					
3) Since this application is in condition for allowar	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is					
closed in accordance with the practice under E	Ex parte Quayle, 1935 C.D. 11, 45	53 O.G. 213.				
Disposition of Claims		,				
4)⊠ Claim(s) <u>1-55</u> is/are pending in the application.						
· · · · · · · · · · · · · · · · · · ·	4a) Of the above claim(s) is/are withdrawn from consideration.					
5) Claim(s) is/are allowed.						
6)⊠ Claim(s) <u>1-55</u> is/are rejected.)⊠ Claim(s) <u>1-55</u> is/are rejected.					
7) Claim(s) is/are objected to.						
8) Claim(s) are subject to restriction and/o	r election requirement.					
Application Papers						
9)⊠ The specification is objected to by the Examine	r.	,				
10)⊠ The drawing(s) filed on 23 July 2007 is/are: a)[\square accepted or b) $oxtimes$ objected to l	by the Examiner.				
Applicant may not request that any objection to the	drawing(s) be held in abeyance. Se	e 37 CFR 1.85(a).				
Replacement drawing sheet(s) including the correct 11) The oath or declaration is objected to by the Ex						
Priority under 35 U.S.C. § 119						
12) Acknowledgment is made of a claim for foreign a) All b) Some * c) None of:	priority under 35 U.S.C. § 119(a)-(d) or (f).				
1. Certified copies of the priority document	s have been received					
2. Certified copies of the priority document		ion No.				
3. Copies of the certified copies of the prior						
application from the International Bureau	•	· ·				
* See the attached detailed Office action for a list	of the certified copies not receive	ed.				
Attachment(s)	»□····•	(DTO 440)				
 Notice of References Cited (PTO-892) Notice of Draftsperson's Patent Drawing Review (PTO-948) 	4) Interview Summary Paper No(s)/Mail D					
3) Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date	5) Notice of Informal F 6) Other:					

Response to Amendment

Examiner acknowledges that applicants arguments directed to the rejection set forth under 35 U.S.C. § 102(b) and 35 U.S.C. § 103(a) are deemed unpersuasive in light of the evidence disclosed in the Johnson et al. (US Patent 6,267,248; hereinafter Johnson '248), Johnson et al. (US Patent 5,683,085; hereinafter Johnson '085), Albrecht (US Patent 6,250,632), Purton et al. (International Patent Application Publication WO 00/51076) and Huen (US Patent 5,240,140) references cited in the Non-final Office Action dated 4/18/2007 and in view of applicants amendments and arguments made in the Response dated 7/23/2007 to the Non-final Office Action dated 4/18/2007. Thus, the rejections under 35 U.S.C. § 102(b) and 35 U.S.C. § 103(a) are not withdrawn. Therefore, Examiner maintains the grounds of rejection under 35 U.S.C. § 102(b) and 35 U.S.C. § 103(a) as set forth below.

Examiner acknowledges that applicants amendments and/or corrections to Figures 9 and 10 directed to Examiners objection set forth in the Non-final Office Action dated 4/18/2007 are deemed unpersuasive, and thus, do not obviate the objection to the drawings. Thus, the objections to the drawings are not withdrawn. Therefore, Examiner maintains the grounds of objection to the drawings as set forth below.

Examiner acknowledges applicants amendments and/or corrections to the specification removing reference character 940 and adding reference character 908, which obviate the objection set forth in the Non-final Office Action dated 4/18/2007

Thus, Examiner withdraws further objection to the specification on these grounds.

However, applicants corrections to the drawings that are believed by Examiner to create continued objection to the specification. Therefore, Examiner sets forth a new grounds of objection to the specification described below.

Examiner acknowledges applicant's amendment of the Abstract to be less than 150 words, which obviates the objection to Abstract set forth in the Non-final Office Action dated 4/18/2007. Therefore, Examiner withdraws further objection to the claim.

Examiner acknowledges applicant's amendment of Claim 39 adding a conjunctive "and" to clearly recite the quantity of features of the claim, which obviates the objection to claim 39 set forth in the Non-final Office Action dated 4/18/2007.

Therefore, Examiner withdraws further objection to the claim.

Examiner acknowledges applicants amendments of claims 9 and 19 to correct the dependency errors, which obviate the rejection set forth under 35 U.S.C. § 112, second paragraph in the Non-final Office Action dated 4/18/2007. Thus, the rejection under 35 U.S.C. § 112, second paragraph is withdrawn.

Examiner acknowledges applicants amendment of claim 31 adding "a gripping arm" to provide antecedent basis for the term "the gripping arm," which obviates, in part, the rejection set forth under 35 U.S.C. § 112, second paragraph in the Non-final Office

Action dated 4/18/2007. Thus, the rejection under 35 U.S.C. § 112, second paragraph is withdrawn.

Examiner acknowledges applicants amendment of claim 31 adding "a gripping arm" to provide antecedent basis for the term "the gripping arm," which obviates, in part, the rejection set forth under 35 U.S.C. § 112, second paragraph in the Non-final Office Action dated 4/18/2007. Thus, the rejection under 35 U.S.C. § 112, second paragraph with respect to "the gripping arm" feature is withdrawn.

However, with regard to claim 31, Examiner is unpersuaded by applicants attempt to traverse the assertion that the structure of the "card mixing compartment" cannot mix cards. Examiner submits that, even though mixing physically occurs in the card mixing compartment, the mechanical structure of the "card mixing compartment" as claimed and disclosed in the specification cannot mix cards without the sensors, which sense the presence of the cards and the rank and suit of the cards in order to keep track of the card positions in the compartment (See pages 8-11, Application No. 10/623,223). Thus, it remains unclear whether applicants meant for the card mixing compartment to include the mechanical structure and sensors so as to perform the mixing function. If so, then Examiner suggests that applicants claim this structure properly if applicants find support in the specification to do so without addition of new matter. Thus, the rejection under 35 U.S.C. § 112, second paragraph with respect to the "card mixing compartment" feature is not withdrawn. Therefore, Examiner maintains the

Application/Control Number: 10/623,223

Art Unit: 3714

grounds of rejection under 35 U.S.C. § 112, second paragraph, in part, with regard to the "card mixing compartment" feature.

Examiner acknowledges applicants amendments of claim 46 adding structure to the "access" feature, which obviate the rejection set forth under 35 U.S.C. § 112, second paragraph in the Non-final Office Action dated 4/18/2007. Thus, the rejection under 35 U.S.C. § 112, second paragraph is withdrawn.

Examiner acknowledges that the nonstatutory grounds of the Obviousness-type Double Patenting rejection was overcome by the applicant upon filing the two separate terminal disclaimers on 7/23/2007.

Drawings

The drawings continue to be objected to because Fig. 9 is described as a side view of a shuffling device with camera and Fig. 10 is described as a top view of a shuffling device with camera; however, neither of the views appear to have all of the same components and there exists no cross-section marking nor label thereof on either drawing to show how one view relates to the other view. Examiner has previously interpreted and continues to interpret based on the Non-final Office Action dated 4/18/2007 that reference characters 804, 806, 808 and 812 in Fig. 9 are equivalent to reference characters 904, 906, 908 and 912 in Fig. 10, respectively, since these components are substantially the same. Applicant attempted in the Response dated 7/23/2007 to correct this problem by modifying Fig. 10 to describe reference characters

804 and 906 (which Examiner believes applicant meant 806 in light of applicants changes to the specification) and maintaining in Fig. 10 reference characters 908 and 912, which makes changes only to Fig. 10 as described in the Non-final Office Action dated 4/18/2007. However, these changes do not obviate the objection because the common features in Fig. 9 and Fig. 10 continue to be described with different reference characters.

Therefore, the drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because at least reference characters 806, 808 and 812 in Fig. 9 and the different reference characters 906 (unless applicant meant 806), 908 and 912 in Fig. 10, respectively, have both been used to designate pick off rollers or nip rollers. Applicant must label all common features between drawings with the same reference characters and provide cross-section markers as is necessary for Fig. 9 to put one of ordinary skill in the art on notice that Fig. 10 is a cross-section of Fig. 9.

The drawings are replete with the above informalities and errors. Applicant should review all drawings and correct all informalities and errors of the type described above and any further drawing errors found.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet,

and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

In addition to Replacement Sheets containing the corrected drawing figure(s), applicant is required to submit a marked-up copy of each Replacement Sheet including annotations indicating the changes made to the previous version. The marked-up copy must be clearly labeled as "Annotated Sheets" and must be presented in the amendment or remarks section that explains the change(s) to the drawings. See 37 CFR 1.121(d)(1). Failure to timely submit the proposed drawing and marked-up copy will result in the abandonment of the application.

Specification

The disclosure is objected to because of the following informalities: applicant has described reference character 806 in the specification, which Examiner believes relates to different reference character 906 in the drawings, thereby rendering the specification discrepant with respect to the drawings.

Appropriate correction is required.

Claim Rejections

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Response to Arguments

Applicant's arguments filed in the Response dated 7/23/2007 with respect to Examiners' rejection under 35 U.S.C. § 102(b) and 35 U.S.C. § 103(a) have been considered fully and are unpersuasive in light of the evidence substantially disclosed in the Johnson '248 reference, but also with respect to the Johnson '085, Albrecht, Purton and Huen references, in light of applicant's amendments reciting "a single card mixing compartment that receives all cards during the randomization process" and "a single collection surface for receiving all randomized cards," in light of the lack of clarity of Figures 9 and 10 and in light of applicant's arguments thereof.

Regarding applicants arguments and amendments concerning claims 1, 23, 30-31, 37, 43, 45-46 and 54 rejected as anticipated under 35 U.S.C. § 102(b):

Applicants state that Johnson '248 provides multiple collection surfaces or compartments for receiving cards one-at-a-time. Examiner submits that while this feature is disclosed in Johnson '248, the device of Johnson '248 is also configured to alternate receiving cards so as to randomize the playing cards in the card magazine (column 3, lines 41-47 and Fig. 20 and 22, Johnson '248).

Applicants also argue that Johnson '248 does not disclose an elevator that raises cards to or above a top surface, however, applicant has not defined special definitions of an "elevator" nor "to or above a top surface" in the disclosure of the specification.

Page 9

Hence, Examiner submits that an elevator can be any device or equivalent thereof that transports or raises an object from one position through a height or distance to a different position. Therefore, Examiner further submits that the card magazine is an elevator since the cards sorted and stored in the card storing spaces are raised from a lower position to a higher position (column 3, lines 41-47 and Fig. 20, 22 and 24, Johnson '248). Examiner also submits that since there is no reference character for a top surface in applicants' drawings, it is unclear as to the datum for a top surface of the device, so one of ordinary skill in the art is free to choose a reasonable location within the card magazine above the carriage and below the shroud as a top surface (Fig. 2, 18, 20, 25, Johnson '248). Consequently, Examiner submits that a card magazine or

Applicants argue that Johnson '248 does not disclose a moveable cover because an elevator is not disclosed. Examiner submits that there is no requirement disclosed in applicant's specification or otherwise that a moveable cover cannot exist without an elevator. Regardless, Examiner submits that a moveable shroud is disclosed that covers the top surface of the card magazine or elevator (column 3, lines 50-55 and Fig. 2, 25a, Johnson '248).

elevator raises randomized cards to or above a top surface.

Applicants argue that Johnson '248 does not disclose a card supporting element or "grasping" feature as claimed; however, applicant has not defined a special definition of "grasping" that would only support one meaning of a card supporting element.

Therefore, Examiners submits that "grasping" is the act or power of seizing or holding.

Consequently, Examiner submits that the partitions or magazines disposed within the

card magazine that create the storing spaces for cards perform grasping since the partitions hold the cards during the sorting process (column 2, lines 62-63 and column 3, lines 41-47, Johnson '248).

Applicants state that Johnson '248 provides for cards to be moved into a multiplicity of collection surfaces or compartments and argues that Johnson '248 does not provide cards to be moved into a single mixing compartment. Examiner submits that applicants have not defined a special definition of a "single mixing compartment" in the specification, and thus, submits that a compartment is area within a body or housing. Therefore, Examiner submits that the cards disposed in the plural partitions or compartments are moved within the housing of the card magazine, which is substantially a single mixing compartment (column 2, lines 4-17, column 3, lines 41-47 and Fig. 20 and 23-24, Johnson '248).

Applicants admit that Johnson '248 can determine the position of cards in separate compartments by separating cards based on rank and suit. However, applicants argue that Johnson '248 cannot identify the position of cards in the mixing compartment by separating cards based on rank and suit. Examiner submits that the position of cards are identified in the mixing compartment based on identification of the rank and suit of cards since the device of Johnson '248 has memory and presence and rank and suit sensing that inherently provides determination of the position of cards in the card mixing compartment in order to sort and deliver the cards in a desired order (column 1, lines 48-45 and column 5, lines 7-11, Johnson '248).

Applicants argue that Johnson '248 does not disclose a substantially vertical support because only a rotatable carousel is disclosed. Examiner submits that the rotatable carousel is substantially vertical along at least the portion of the card magazine extending from the delivery carriage to the top surface define above by Examiner (column 3, 41-47 and Fig. 2, 18, 20 and 24, Johnson '248). Regardless, Examiner submits that the rotatable magazine has the equivalent structure of a vertical magazine or support (column 5, lines 25-31, Johnson '248).

Applicants argue that Johnson '248 does not disclose a card collection area with a stationary opening. However, Examiner submits that a stationary opening as described in the specification by applicants is a card insertion point that is located beneath suspended randomly determined cards (page 9, lines 24-25, Application Serial No. 10/623,223). Thus, Examiner submits that Johnson '248 also discloses a fixed or stationary opening or card insertion point at the location at which the pick rollers of the delivery carriage insert cards into a card storing space (column 3, lines 41-47 and Fig. 2, 18 and 24, Johnson '248).

Applicants argue that Johnson '248 does not disclose gripping edges of cards. However, Examiner submits that applicants have not provided a special definition of an "edge." Therefore, Examiner submits that an edge is line or border at which a surface terminates. Hence, Examiner further submits that faces are edges from the perspective of the card magazine or elevator and the partitions or magazines or gripping elements as described above grip the faces of cards (column 3, lines 41-47 and Fig. 2, Johnson

'248). Examiner also submits that pick rollers grip edges adjacent the face of cards in order to feed the cards into the card magazine (column 3, lines 56-60, Johnson '248).

Page 12

Applicants argue that Johnson '248 does not disclose lowering moveable surfaces to create an opening, and thus, cannot create an opening between cards. Examiner submits that cards are sorted by reversibly rotating the card magazine clockwise or counterclockwise to randomly place individual cards in a desired order in the card storing means so as to deliver cards to the delivery means shuffled in a specific order (column 1, line 30 to column 2, line 32 and column 3, lines 41-47, Johnson '248).

Applicants argue that Johnson '248 does not disclose attributes that enable the sorting device to be mounted into a table. Examiner submits that applicants recitation of "capable of being mounted into a gaming table surface" is intended use language and that the device of Johnson '248 has a base or bottom surface that is capable of being mounted onto a different surface within the body or housing of a table since there is no size limitation of the device disclosed (column 3, lines 17-24 and Fig. 2, Johnson '248).

Applicants argue that Johnson '248 does not disclose a single collection surface or area for all cards, but only a multiple compartment carousel. Examiner submits that applicants recitation of "for receiving all randomized cards" is intended use language and that the card magazine has at least one collection surface, which is a partition or magazine, each of which receives a card from the total of all randomized cards (column 1, lines 38-39, column 2, lines 4-11 and lines 53-61, Johnson '248). Examiner further submits that a single collection surface as claimed is also interpreted as a collector

means that receives all cards in a collector tray (column 2, lines 19-27 and line 50 and Fig. 2, 26, Johnson '248).

Applicants argue that Johnson '248 does not disclose a remote control device on a playing card shuffler. Examiner submits that applicants disclose a remote keyboard as an equivalent of a remote control device (page 53, lines 13-19, Application Serial No. 10/623,223). Examiner further submits that a selectively programmable computer means is the equivalent structure for a remote keyboard that users operate substantially at or within arms reach of the device so as to control the sorting process (column 1, lines 40-42 and column 5, lines 42-53, Johnson '248).

Applicants argue that Johnson '248 does not disclose plural sensors with an activation function. Examiner submits that the sensor means inherently includes an array of sensors, each of which identifies different attributes of cards, since one sensor is not capable of measuring both presence and rank and suit of a card simultaneously, thereby requiring at least two separate sensor arrangements of the sensor means (column 1, lines 46-52, column 2, lines 27-32 and lines 36-37 and column 5, lines 1-6, Johnson '248). Examiner further submits that a microprocessor is provided that activates the sensor means as equivalent structure of a first sensor to detect card presence and a second sensor to detect rank and suit of a card (column 4, lines 7-17, Johnson '248).

Thus, claims 1, 23, 30-31, 37, 43, 45-46 and 54 continue to be anticipated by Johnson '248.

Application/Control Number: 10/623,223 Page 14

Art Unit: 3714

Regarding new claim 15, claim 15 is anticipated by Johnson '248 for at least the same reasons as described above with respect to claims 1, 23, 30-31, 37, 43, 45-46 and 54.

Examiner submits that it is not a requirement of obviousness under 35 U.S.C. § 103(a) that all references contain all features of the claimed invention in order to render the invention obvious to one of ordinary skill in the art at the time of invention when viewing the subject matter as a whole. It is necessary only that each of the features of the invention are disclosed in all references with motivation or suggestion to combine those references to produce the claimed invention. Therefore, applicants arguments with respect to the rejections under 35 U.S.C. § 103(a) stating that Johnson '085 does not disclose card supporting elements, does not raise cards up to or above the top surface of the device and does not disclose a moveable cover are moot since all of these features are anticipated by Johnson '248 above.

Hence, regarding claims 6, 9-11, 24-28, 35-36, 38 and 40 rejected under 35 U.S.C. § 103(a) as unpatentable over Johnson '248 in view of Johnson '085, Examiner continues to submit that claims 6, 9-11, 24-28, 35-36, 38 and 40 would have been obvious at the time of invention for the same reasons as described in Non-final Office Action dated 4/18/2007 since these claims continue to depend from claims that continue to be anticipated as described above.

Regarding claims 12-13 and 48 rejected under 35 U.S.C. § 103(a) as unpatentable over Johnson '248 in view of Johnson '085, and even further in view of Albrecht, Examiner continues to submit that claims 12-13 and 48 would have been obvious at the time of invention for the same reasons as described in Non-final Office Action dated 4/18/2007 since these claims continue to depend from claims that continue to be anticipated as described above.

Regarding claims 14-21 and 26-28 rejected under 35 U.S.C. § 103(a) as unpatentable over Johnson '248 in view of Johnson '085, and even further in view of Purton, Examiner continues to submit that claims 14-21 and 26-28 would have been obvious at the time of invention for the same reasons as described in Non-final Office Action dated 4/18/2007 since these claims continue to depend from claims that continue to be anticipated as described above.

Regarding claims 2, 44 and 49 rejected under 35 U.S.C. § 103(a) as unpatentable over Johnson '248 in view of Johnson '085, and even further in view of Huen, Examiner continues to submit that claims 2, 44 and 49 would have been obvious at the time of invention for the same reasons as described in Non-final Office Action dated 4/18/2007 since these claims continue to depend from claims that continue to be anticipated as described above.

Examiner also submits that the lack of clarity of Figures 9 and 10 with respect to the combination and coordination of the card randomizing system in the application

further supports Examiner's position with respect obviousness in that it is not clear how the applicant's invention structurally performs its randomization process.

Page 16

Therefore, applicants arguments have been deemed to be unpersuasive, in part, in light of the evidence substantially disclosed in the Johnson '248 reference, but also with respect to the Johnson '085, Albrecht, Purton and Huen references, in part, in light of applicant's amendments reciting "a single card mixing compartment that receives all cards during the randomization process" and "a single collection surface for receiving all randomized cards," in part, in light of the lack of clarity of Figures 9 and 10 and, in part, in light of applicant's arguments thereof.

Hence, Examiner maintains the grounds of rejection of the claims under 35 U.S.C. § 102(b) and 35 U.S.C. § 103(a) as described in the Non-final Office Action dated 4/18/2007 because each of the features of applicant's claimed invention continues to be anticipated by and unpatentable or obvious over the prior art.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

A US-4,759,448, Kawabata

B US-4,497,488, Plevyak et al.

C US-4,388,994, Suda et al.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arthur O. Hall whose telephone number is (571) 270-1814. The examiner can normally be reached on Mon - Fri, 8:00am - 5:00 pm, Alt Fri, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert E. Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Application/Control Number: 10/623,223 Page 18

Art Unit: 3714

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AH ## 9/14/2007

ROBERT E. PEZZUTO SUPERVISORY PRIMARY EXAMINER